

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

BRENDA JOYCE LOWERY,

Plaintiff,

v.

1:07-CV-00717-WSD

**STATE OF GEORGIA, CITY OF
AUGUSTA, GEORGIA, CHIEF
JUDGE EDMONSON, ELEVENTH
CIRCUIT JUDICIAL REVIEW
PANEL MEMBERS, JUDGE
TJOFLAT, JUDGE ANDERSON,
JUDGE BIRCH, JUDGE DUBINA,
JUDGE BLACK, JUDGE CARNES,
JUDGE BARKETT, JUDGE HULL,
JUDGE MARCUS, JUDGE
BLACKBURN, JUDGE CAMP,
JUDGE FULLER, JUDGE
MOORE, JUDGE GRANADE,
JUDGE HINKLE, JUDGE
FAWSETT, JUDGE LAWSON
JUDGE ZLOCH**

Defendants.

OPINION AND ORDER

This action is before the Court on a frivolity determination regarding Plaintiff Brenda Joyce Lowery's ("Plaintiff") Complaint [2]. Pursuant to its duty under 28 U.S.C. § 1915(e)(2), the Court must review a proceeding *in forma*

pauperis to determine whether the action: (1) is frivolous or malicious; (2) fails to state a claim on which relief may be granted; or (3) seeks monetary relief against a defendant who is immune from such relief.

The Court has reviewed Plaintiff's Complaint carefully, and construed its allegations liberally in light of Plaintiff's *pro se* status. Plaintiff seeks to sue the Chief Judge of the Eleventh Circuit Court of Appeals, eighteen individual Eleventh Circuit judges who she claims composed a judicial review panel, the State of Georgia, and the City of Augusta, Georgia. Plaintiff appears to allege that she was treated improperly by the Richmond County Sheriff's Department. Plaintiff further appears to allege that the court system, including nineteen individual judges of the Eleventh Circuit, has, through unspecified illegality and racism, failed to provide a remedy for her claims. Plaintiff seeks in excess of \$200,000,000.00, and an injunction enjoining "all federally funding financial assistance" to all courts located in Georgia, in compensation for alleged violations of "Title VI Section 42 U.S.C. § 2000(d)," the 7th Amendment jury trial right, and the 14th Amendment right to due process of law.

After careful review of Plaintiff's claims, the Court finds that they are frivolous, fail to state a claim on which relief may be granted, and seek monetary

relief from immune defendants. The Complaint alleges vague injustices and broad allegations of racism. To the extent that this Court can divine from the Complaint any claims at all, they appear directed at the lawful exercise of discretion by the Eleventh Circuit in choosing not to censure a federal magistrate judge.¹ The Complaint also appears to allege that the clerk of an unspecified court in Augusta, Georgia mishandled one of her pleadings, and that Magistrate Judge Duncan Wheale illegally dismissed her claims against the Richmond County Sheriff's office. The Complaint, however, fails to allege any fact to show that the Eleventh Circuit, Judge Wheale, or the clerk acted improperly or otherwise beyond the bounds of their lawful discretion. These claims are thus frivolous.

Although the Complaint mentions further vague injustices and violations of rights, it does not state specific facts from which the Court could discern any legally cognizable harms. These vague allegations do not state any claim on which the Court could grant relief.


¹ Plaintiff apparently sought to have censured a Magistrate who appears to have dismissed a federal action she brought against the Richmond County Sheriff's Office. The Eleventh Circuit apparently declined to find the Magistrate's actions inappropriate.

The named defendants in this action are subdivisions of the state entitled to sovereign immunity or judges entitled to judicial immunity. Plaintiff makes no allegations to overcome these immunities.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Complaint [2] is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED this 26th day of April, 2007.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE